

A1  
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whereby said fly rod can be used as a device to teach casting a fly line without actual use of a fly line.

A2

6. A training device to teach the proper motion for casting a fly line of Claim 5 wherein said elongated piece further includes means for stopping movement of said throwing projectile onto said throwing projectile section of said elongated piece.

A3

12. A training device to teach the proper motion for casting a fly line comprising:
- (a) a throwing projectile;
  - (b) means for mounting said throwing projectile onto a fly rod without removing or modifying any hardware on said fly rod whereby said throwing projectile is projected forward in an approximate direction that a fly line would be projected forward when an appropriate casting motion is made using a fly rod;
- whereby said fly rod can be used to teach casting of a fly line without actual use of a fly line.

A4

17. A method for teaching the proper motion for casting a fly line comprising:
- (a) mounting an elongated piece on a terminal end of a fly rod without modifying or removing any hardware on said fly rod;
  - (b) mounting a throwing projectile on a throwing projectile section of said elongated piece;
  - (c) making a casting motion of a fly rod with said elongated piece and said throwing projectile mounted thereon and without using a fly line;
  - (d) observing the results of movement of said throwing projectile;

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- (e) repeating said casting motion if the trajectory of the throwing projectile is satisfactory or changing said casting motion if trajectory of said throwing projectile is unsatisfactory;
  - (f) repeating said casting motion until the user is able to consistently achieve a satisfactory trajectory of said throwing projectile.
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FORM CLAIM AMENDMENTS

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1. A training device to teach the proper motion for casting a fly line comprising:
  - (a) a throwing projectile with a bore therethrough;
  - (b) an elongated piece, said elongated piece having a first mounting section for mounting the elongated piece on a terminal end of a fly rod without removing or modifying any hardware on said fly rod and a second throwing projectile section whereby said throwing projectile slides onto said throwing projectile section through said throwing projectile bore;
  - (c) means for mounting said elongated piece using said first mounting section to a terminal end of a fly rod[.];

whereby said fly rod can be used as a device to teach casting a fly line without actual use of a fly line.
6. A training device to teach the proper motion for casting a fly line of Claim 5 wherein said elongated piece further includes means for stopping movement of said throwing projectile onto said throwing projectile section of said elongated piece[;].
12. A training device to teach the proper motion for casting a fly line comprising:
  - (a) a throwing projectile;
  - (b) means for mounting said throwing projectile onto a fly rod without removing or modifying any hardware on said fly rod whereby said throwing projectile is projected forward in an approximate direction that a fly line would be projected forward when an appropriate casting motion is made using a fly rod[.];

whereby said fly rod can be used to teach casting of a fly line without actual use of a fly line.

17. A method for teaching the proper motion for casting a fly line comprising:
- (a) mounting an elongated piece on a terminal end of a fly rod without modifying or removing any hardware on said fly rod;
  - (b) mounting a throwing projectile on a throwing projectile section of said elongated piece;
  - (c) making a casting motion of a fly rod with said elongated piece and said throwing projectile mounted thereon and without using a fly line;
  - (d) observing the results of movement of said throwing projectile;
  - (e) repeating said casting motion if the trajectory of the throwing projectile is satisfactory or changing said casting motion if trajectory of said throwing projectile is unsatisfactory;
  - (f) repeating said casting motion until the user is able to consistently achieve a satisfactory trajectory of said throwing projectile.

Claim Rejections 35 U.S.C. § 112

Claims 6-12 were rejected for a typographical error in that Claim 6 ends with a “semi-colon” rather than a “period.” In accordance with current Patent Office practice, Claim 6 as amended appears above and on a separate sheet a Claim 6 is shown in the old for of bracketing and underlined claim amendments.

Claim Rejections 35 U.S.C. § 102

The Examiner rejected Claims 1-3, 12-13 under 35 U.S.C. § 102(b) as being anticipated by Haber, U. S. Patent #2,893,158. The Examiner called the Haber ‘158 iron or steel disk (36) a “throwing projectile.” The Haber ‘158 reference shows an approximately doughnut-shaped magnetized tip (17). The Examiner called this an “elongated piece.” The Examiner called the Haber ‘158 magnetized material body portion (28) a “throwing projectile” section. The Examiner identified that the Haber magnetic tip member (17) mounts at the terminal end of a fly rod by the brace (27), in effect, modifying the terminal ring guide with the addition of the magnetized body portion (28). The Examiner concluded that the Haber iron or steel disk (36) “slides on the throwing projectile section (28) by the throwing projectile bore.” In this conclusion of the Examiner, the throwing projectile bore was not given a reference number which would make it possible for the Applicant to determine which bore in the Haber reference the Examiner was referring to. The Applicant respectfully traverses these conclusions of the Examiner.

It is basic patent law that for a prior art reference to serve as a 102(b) bar the prior art reference must disclose all claimed elements in the claim at issue. There can be no anticipation under 102(b) if there is an exclusion of a claimed element from the prior art reference. Atlas

Powder Company v. E.I. Dupont de' Nemours and Company, 224 U.S.PQ. 409, 411 (1984).

Each of the words of a claim have a meaning and must be given effect. Environmental Instrument v. Sutron Corp., 877 F.2d 1561, 1564 (Fed. Circ. 1989). First, the apertured magnetic tip member (17) of the Haber reference is not an elongated piece. In fact, it is shown and described as a terminal ring guide for a standard casting or spinning rod that has the addition of a magnetic material body portion (28). As Haber described, the line (19) extends upwardly through the ring guides (20, 21, and 22) and through the apertured portion (23) in the tip (17) (Haber, column 2, lines 44-49). The line is attached to a conventional sinker (24) and hook (25). In a casting the line unreels itself and moves through the rings and the tip (17) (Haber, column 2, lines 50-54). The magnetized portion (28) attracts the magnetically retractable iron or steel disk (36). The disk (36) is held in place against the tip (17) while attached to the fishing line (44, 45). In a casting movement, the weight of the disk and the pull of the line and sinker causes the disk to be suddenly released from the magnetic grip (Haber, column 3, lines 35-41). The whole point of the Haber invention is to avoid fishing line backlashes (Haber, column 1, lines 31-69) while in use with a fishing line.

Unlike the Haber device, the current invention does not replace the terminal guide or eyelet (22), but rather is mounted to a fly rod without modification of the fly rod using the terminal eyelet (22) of a fly casting rod (20). It is for training purposes only. When in use the fly line is not used. Claims 1, 12, and 17 have been amended to clarify these features of the current invention. This invention consists of an elongated tube (12) bent at a predetermined angle of  $90^{\circ} + A$ . The throwing projectile (50) has a bore (55) which is slightly larger than the diameter of the tube (12). This facilitates sliding of the throwing projectile (50) onto the tube (12). Contrary to the Examiner's conclusion, the Haber disk (36) does not slide onto the magnetized portion (28) by means of a bore. Although there is a bore in one embodiment of the Haber disk (36) the bore is

used with the fishing line and the disk (36) is attached to the fishing line by retainer elements (44 and 45) which clamp onto a line section (40) (Haber, column 3, lines 7-10). Hence, the disk (36) mounted to the fishing line (19) and more specifically to a section of the fishing line (40) by the retainer elements (44 and 45) not by a bore on the magnetized section (28). The applicant therefore traverses the conclusion of the Examiner that the Haber '158 reference shows a throwing projectile that mounts on an elongated piece by a bore. In the Haber reference, neither the tip (17) nor the section (28) is described or shown as an "elongated piece." Second, the disk (36) does not slide into a section (28) by a bore. Thus, there is no elongated piece in the Haber reference. The disk (36) does not mount on a section (28) by a bore. The disk (36) is not a throwing projectile. The sinker and line are cast in the Haber and the disk (36) is attached to the line and goes along for the ride. There is no teaching in the Haber reference that the disk (36) is ever thrown by itself without attachment to a line and sinker. The Haber reference requires modification of the terminal eyelet on the rod and requires use of a fishing line when used. The current invention attaches to an existing fly rod and is not used with a fly line. The Haber reference lacks an elongated tube, lacks a bore for mounting a throwing projectile on the elongated tube, and requires modification of the existing fishing rod.

### Conclusion

The Haber reference does not disclose an elongated piece nor does it disclose any way of mounting the throwing projectile by a bore to a portion of the elongated piece. Haber reference requires replacement of the terminal eyelet or a rod with the Haber magnetized tip (17). For this disk (36) to work it must be attached to fishing line. Therefore, Claim 1, Claim 12, and Claim 17 are allowable as amended. The remaining dependent claims should be allowable if the independent claims are allowable and the same is respectfully requested.